

UNITED STATES DISTRICT COURT
Northeastern Division—District of North Dakota
ORDER OF DETENTION PENDING TRIAL

(Local Form 12/05 lrh)

United States of America vs. Edward Dean Waslaski, Jr. Case No. 3:07-cr-14

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of defendant pending trial in this case.

PART I—FINDINGS OF FACT

☐ **Alternative A** – Both of the following facts are present:

- ☐ (1) There is probable cause to believe that defendant has committed an offense
 - ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 801 et seq.
 - ☐ under 18 U.S.C. § 924(c), § 956(a), or § 2332b.
- ☐ (2) Defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of the community.

X Alternative B – One or both of the following facts are present:

- ☐ (1) There is a serious risk that defendant will not appear.
- X** (2) There is a serious risk that defendant will endanger the safety of another person or the community.

☐ **Alternative C** – One of the following facts is present:

- ☐ (1) Defendant does not contest detention at this time.
- ☐ (2) Defendant is ineligible for release at this time.

PART II—WRITTEN STATEMENT OF REASONS FOR DETENTION

The government proffered evidence that Edward Dean Waslaski, Jr., has made recent threats of harm to several individuals, and exhibited violence toward several individuals. The government also proffered evidence that he made statements to another inmate at the Cass County Jail that he “should have killed” an individual, and asked the other inmate whether he knew anyone who could “take care of” the individual. Mr. Waslaski acknowledges a severe alcohol addiction and a bipolar illness for which he has recently received treatment. The Pretrial Services Report also identifies use of steroid injections. Based on all the information presented, this Court finds clear and convincing evidence that there is no condition or combination of conditions which would reasonably assure the safety of other persons.

PART III—DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

To the greatest extent possible, the United States Marshal’s Service shall arrange for Mr. Waslaski’s continued confinement at Cass County Jail, in order to facilitate continuing treatment of his psychological condition, and to allow him to continue to take advantage of work opportunities within the facility.

Dated this 31st day of May, 2007.

/s/ Alice R. Senechal

Alice R. Senechal, U.S. Magistrate Judge